

UNPUBLISHED

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

---

**No. 98-6802**

---

WARREN CHASE,

Plaintiff - Appellant,

versus

JOSEPH HENNEBERRY, The Director of the Patuxent Institution; ARCHIE GEE, The Warden of the Patuxent Institution; ROBERT SANGLER, Assistant Warden; MR. LEVEAN (RMT) Doctor; MS. ROSEN (RMT); MR. NERO, Doctor; MS. SOULER, Doctor; MR. KIM (RMT) Doctor,

Defendants - Appellees.

---

Appeal from the United States District Court for the District of Maryland, at Baltimore. Catherine C. Blake, District Judge. (CA-97-3031-CCB)

---

Submitted: August 13, 1998

Decided: September 4, 1998

---

Before WIDENER and WILKINS, Circuit Judges, and HALL, Senior Circuit Judge.

---

Dismissed by unpublished per curiam opinion.

---

Warren Chase, Appellant Pro Se. John Joseph Curran, Jr., Attorney General, Wendy Ann Kronmiller, Assistant Attorney General, Baltimore, Maryland, for Appellees.

---

Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

PER CURIAM:

Appellant filed an untimely notice of appeal. We dismiss for lack of jurisdiction. The time periods for filing notices of appeal are governed by Fed. R. App. P. 4. These periods are "mandatory and jurisdictional." Browder v. Director, Dep't of Corrections, 434 U.S. 257, 264 (1978) (quoting United States v. Robinson, 361 U.S. 220, 229 (1960)). Parties to civil actions have thirty days within which to file in the district court notices of appeal from judgments or final orders. Fed. R. App. P. 4(a)(1). The only exceptions to the appeal period are when the district court extends the time to appeal under Fed. R. App. P. 4(a)(5) or reopens the appeal period under Fed. R. App. P. 4(a)(6).

The district court entered its order on March 31, 1998; Appellant's notice of appeal was filed on May 20, 1998,\* which is beyond the thirty-day appeal period. Appellant's failure to note a timely appeal or obtain an extension of the appeal period leaves this court without jurisdiction to consider the merits of Appellant's appeal. We therefore dismiss the appeal. We dispense with oral argument because the facts and legal contentions are

---

\* We presume for the purpose of this appeal that Appellant deposited the notice of appeal in the prison's internal mail system on the date he prepared it. See Houston v. Lack, 487 U.S. 266 (1988).

adequately presented in the materials before the court and argument would not aid the decisional process.

DISMISSED